

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
Charleston Division**

LUCINDA JARRELL,

Plaintiff,

v.

CIVIL ACTION NO. 2:21-cv-00030

Honorable Frank W. Volk

**SECURITAS SECURITY
SERVICES USA, INC.,**

Defendant.

**JOINT STIPULATION OF DISMISSAL
AND MUTUAL AGREEMENT TO ARBITRATE**

It is hereby STIPULATED AND AGREED between Plaintiff Lucinda Jarrell and Defendant Securitas Security Services USA, Inc. (“Securitas”), by and through their respective counsel, that this matter shall be dismissed, without prejudice, and that all claims asserted herein shall be submitted to binding arbitration in lieu of this civil action. The parties further stipulate to the following:

1. On or about December 22, 2020, Plaintiff filed a Complaint in the Circuit Court of Kanawha County, West Virginia, asserting certain causes of action against Securitas arising from the parties’ former employment relationship. Specifically, Plaintiff asserted two counts against Securitas for alleged violations of the West Virginia Human Rights Act, W. Va. Code §5-11-1, *et seq.*, for age and gender discrimination.

2. On or about January 21, 2021, this matter was removed to this Court by the Defendant on the basis of diversity jurisdiction.

3. Prior to the filing of this action, on December 22, 2014, Plaintiff and Securitas entered into a Dispute Resolution Agreement wherein they mutually agreed to resolve any claims between them in arbitration, instead of in a court of law.

4. The Dispute Resolution Agreement to which the parties mutually agreed expressly “applies to any dispute arising out of or relating to Employee’s employment with Securitas Security Services USA, Inc....or termination of employment and survives after the employment relationship terminates.”

5. The parties have conferred and are in agreement that the Dispute Resolution Agreement identified herein is controlling and enforceable in this matter.

WHEREFORE, based upon the aforesaid, the parties hereto jointly AGREE AND STIPULATE to dismissal of this civil action, without prejudice, and for any and all further relief deemed appropriate by this Court.

<p>Reviewed and approved by:</p> <p><u>/s/John-Mark Atkinson</u> Mark A. Atkinson, Esq. (WVSB 184) John-Mark Atkinson, Esq. (WVSB #12014) Atkinson & Polak, PLLC P. O. Box 549 Charleston, WV 25322-0549 Counsel for Plaintiff Lucinda Jarrell</p>	<p>Prepared by:</p> <p><u>/s/Matthew A. Nelson</u> Matthew A. Nelson (WV Bar #9421) Tonya P. Shuler (WV Bar #9699) LEWIS BRISBOIS BISGAARD & SMITH LLP 707 Virginia Street, E., Suite 1400 Charleston, West Virginia 25301 (304) 553-0166/(304) 932-0265 (fax) Matt.Nelson@lewisbrisbois.com Tonya.Shuler@lewisbrisbois.com Counsel for Securitas Security Services, USA, Inc.</p>
--	---